

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2012 – 231

AN ORDINANCE TO AMEND THE CLAYTON COUNTY ZONING ORDINANCE, SPECIFICALLY ARTICLE 6 “DEVELOPMENT STANDARDS” SO AS TO DELETE SECTION 6.9 “ACCESSORY USE/STRUCTURES STANDARDS (AS)” AND INSERT IN LIEU THEREOF A NEW SECTION 6.9; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners has determined there is a need to revise Article 6 “Development Standards”, Section 6.9 “Accessory Use/Structures Standards (AS)”.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY

BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

PART I

Section 1. The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 6 “Development Standards”, Section 6.9 “Accessory Use/Structures Standards (AS)” and inserting in lieu thereof a new Article 6 “Development Standards”, Section 6.9 “Accessory Use/Structures Standards (AS)” to read as follows:

6.9 Accessory Use/Structures Standards (AS)

AS-01: This Accessory Use/ Structure Standards section applies to the agricultural district.

- A. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Ordinance.
- B. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.
- C. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
 - 1. Antennas and satellite dishes larger than 4 feet in diameter,
 - 2. Attached and detached decks and patios,
 - 3. Gazebos,
 - 4. Pools, hot tubs, and saunas,

5. Detached garages and/ or workshops,
 6. Mini-barns, sheds, and other storage buildings,
 7. Pole barns, horse barns, animal shelters and cages,
 8. Grain or liquid silos, irrigations systems and turbines, and
 9. Similar structures related to the primary use.
- D. Accessory structures shall comply with the following location requirements:
1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
 2. No accessory structures shall be placed in any operable septic fields or reserve septic fields.
 3. A minimum separation of ten (10) feet shall be provided between any detached accessory structure and any primary structure or other accessory structure.
 4. All accessory structures shall be placed a minimum of five (5) feet from the side and rear property lines, unless otherwise restricted by this Ordinance.
 5. All accessory structures, with the exception of gazebos and decks, shall only be located to the side or rear of the primary structure. When placing the accessory structure in the side yard, the minimum side yard setback as identified within Article 3 of the Zoning District Standard must be met. In the case of corner or through lot, no accessory structure shall be located closer to the front property line than the setback provided by the primary structure.
- E. Accessory structures and uses permitted as conditional uses are specified for each zoning district in Article 3 of this Ordinance.

AS-02: This Accessory Use/Structure Standards section applies to all single family and two family residential districts.

- A. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Ordinance.
- B. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.
- C. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
1. Antennas and satellite dishes larger than 4 feet in diameter,
 2. Attached and detached decks and patios,
 3. Gazebos,
 4. Pools, hot tubs, and saunas,
 5. Detached garages and/ or workshops,
 6. Mini-barns, sheds, and other storage buildings, and
 7. Similar structures related to the primary use.
- D. Accessory uses and structures shall be consistent with the following requirements:
1. No more than three (3) accessory structures may be placed on any one lot; and
 2. The combined size of all accessory structures on any one lot may not exceed an amount equal to fifty (50) percent of the finished floor area of the primary structure on that lot.
- E. Accessory structures shall comply with the following location requirements:
1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
 2. No accessory structures shall be placed in any operable septic fields or reserve septic fields.
 3. A minimum separation of ten (10) feet shall be provided between all detached accessory structure and any primary structure or other accessory structure.
 4. All accessory structures shall be placed a minimum of five (5) feet from the side and rear property lines.

5. All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. When placing the accessory structure in the side yard, the minimum side yard setback as identified within Article 3 of the Zoning District Standard must be met. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
- F. Accessory structures and uses permitted as conditional uses are specified for each zoning district in Article 3 of this Ordinance.

AS-03: This Accessory Use/ Structure Standards section applies to all multiple family and mobile home districts.

- A. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Ordinance.
- B. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.
- C. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
 1. Antennas and satellite dishes larger than 4 feet in diameter,
 2. Attached and detached decks and patios,
 3. Gazebos,
 4. Pools, hot tubs, and saunas,
 5. Detached garages and/ or workshops,
 6. Mini-barns, sheds, and other storage buildings,
 7. Management offices, fitness centers, and recreation facilities, and
 8. Similar structures related to the primary use.
- D. Accessory structures shall comply with the following location requirements:
 1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
 2. No accessory structures shall be placed in any operable septic fields or reserve septic fields.
 3. A minimum separation of ten (10) feet shall be provided between any detached accessory structure and any primary structure or other accessory structure.
 4. All accessory structures shall be placed a minimum of five (5) feet from the side and rear property lines, unless otherwise restricted by this Ordinance.
 5. All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. When placing the accessory structure in the side yard, the minimum side yard setback as identified within Article 3 of the Zoning District Standard must be met. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
- E. Accessory structures and uses permitted as conditional uses are specified for each zoning district in Article 3 of this Ordinance.

AS-04: This Accessory Use/Structure Standards section applies to all non-residential districts.

- A. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Ordinance.
- B. Accessory structures are not deemed to include mailboxes, lamp posts, bollards, signs,

retractable gates or bars, and other such incidentals except as otherwise stated in this Ordinance.

- C. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
 - 1. Antennas and satellite dishes larger than 4 feet in diameter,
 - 2. Attached and detached decks and patios,
 - 3. Gazebos, covered porches, and covered patios,
 - 4. Detached garages and/ or workshops,
 - 5. Mini-barns, sheds, and other storage buildings,
 - 6. Vending machines, ice dispensing machines, automated teller machines, and donation/ collection bins or containers,
 - 7. Security/ site monitoring buildings and cash collection buildings, and
 - 8. Similar structures related to the primary use.
- D. Accessory structures shall comply with the following location requirements:
 - 1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
 - 2. No accessory structures shall be placed in any operable septic fields or reserve septic fields.
 - 3. A minimum separation of ten (10) feet shall be provided between all detached accessory structure and any primary structure or other accessory structure.
 - 4. All accessory structures shall be placed a minimum of five (5) feet from the side and rear property lines.
 - 5. All accessory structures, with the exception of gazebos, attached decks and patios, vending machines, ice dispensing machines, automated teller machines, collection and distribution bins or containers, security/ site monitoring buildings, and cash collection buildings, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. When placing the accessory structure in the side yard, the minimum side yard setback as identified within Article 3 of the Zoning District Standard must be met. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
 - 6. Accessory structures shall be architecturally compatible with the primary structure and incorporate similar construction materials.
- E. Requirements for vending machines, ice dispensing machines, automated teller machines, collection and distribution bins or containers are as follows:
 - 1. No more than two (2) of these accessory structures may be placed on any one lot,
 - 2. When placing the accessory structure in front of the primary structure, the minimum front yard setback and side yard setback as identified within Article 3 of the Zoning District Standard must be met,
 - 3. All required parking spaces or drive up lanes must be striped in accordance with the applicable Parking Standard requirements,
 - 4. In cases where the existing site landscaping does not meet the requirements of the applicable Landscaping Standard requirements, each accessory structure requires the planting of 2 ornamental trees and 6 shrubs to visually balance the site. The landscaping materials may be planted within the parking lot or within the front yard, and
 - 5. All collection and distribution or containers shall be 80 percent opaquely screened on three (3) sides with building materials similar to those located upon the exterior wall elevations.
- F. Requirements for security/ site monitoring buildings and cash collection buildings are as follows:
 - 1. Only one (1) security/ site monitoring building and/ or cash collection building may be placed in front of the primary structure on any one lot,
 - 2. When placing the accessory structure in front of the primary structure, the

minimum front yard setback and side yard setback as identified within Article 3 of the Zoning District Standard must be met,

3. When placing the accessory structure in the side or rear yard, the structure shall be placed a minimum of five (5) feet from the side and rear property lines.
 4. All required parking spaces or drive up lanes must be striped in accordance with the applicable Parking Standard requirements,
 5. In cases where the existing site landscaping does not meet the requirements of the applicable Landscaping Standard requirements, each accessory structure requires the planting of 2 ornamental trees and 6 shrubs to visually balance the site. The landscaping materials may be planted within the parking lot or within the front yard, and
 6. Accessory structures shall be architecturally compatible with the primary structure and incorporate similar construction materials.
- G. Accessory structures and uses permitted as conditional uses are specified for each zoning district in Article 3 of this Ordinance.

AS-05: Accessory Dwellings (Garage Quarters/ Guest Houses/ Caretaker Houses/ Mother-In-Law Suites):

Accessory dwellings are permitted as conditional use within the principle dwelling or as a free standing dwelling in the following zoning districts: **AG, ER, and RS-180.**

- A. Accessory dwellings shall include basement quarters, garage quarters, caretaker or other employee quarters, guest houses, mother-in-law suites, and other accessory dwellings as determined by the Zoning Administrator.
- B. Accessory dwellings contained within a principle dwelling shall comply with the following standards:
 1. There shall be no more than 1 accessory dwelling in a principle dwelling unit.
 2. The accessory dwelling shall not have the only single access point being from a separate exterior entrance.
 3. One additional parking space shall be provided to serve the accessory dwelling.
 4. The accessory dwelling shall comply with all building and health code standards.
- C. Freestanding accessory dwellings shall comply with the following standards:
 1. There shall be no more than 1 accessory dwelling per residential lot.
 2. The accessory dwelling may be located in a second floor over a detached garage or may be a separate structure.
 3. The accessory dwelling shall be located only within the rear yard.
 4. The accessory structures shall comply with the minimum setbacks set forth within Article 3.
 5. The residential lot shall comply with the minimum lot area standards set forth within Article 3, except that in no case shall an accessory dwelling be located on a lot having less than 12,000 square feet of lot area.
 6. One additional parking space shall be provided to serve the accessory dwelling.

AS-03: Outdoor Storage:

Outdoor storage shall be permitted as an accessory use within the following zoning districts: **LI and HI.**

- A. Outdoor storage shall be permitted as an accessory use subject to the following requirements:
 1. In the LI, Light Industrial and HI, Heavy Industrial districts outdoor storage shall be limited as follows:
 - a. LI - outdoor storage shall be limited to finished products; and
 - b. HI - outdoor storage of finished products and materials used in production shall be permitted.
 2. Outdoor storage of vehicles being stored at auto repair facilities and junk yards

- shall be consistent with Article, 6.32, Parking Standards (PK).
3. Outdoor storage shall be located within the rear or side yard.
 4. Outdoor storage shall be fully concealed with a solid fence, in addition to any buffer requirements set forth in this Article.
 5. Items stored behind the fully concealed fence may not protrude over the height of the fence.
 6. Outside storage of parts and materials, service areas, refuse, or work activity areas shall be maintained in a neat and orderly manner.

AS-04: Swimming Pools and Pool Enclosures:

Swimming pools and pool enclosures shall be permitted as an accessory use within the following zoning districts: **AG, ER, RS-180, RS-110, RG-75, RM, MMX, RMH, NMX, RMX, and PUD.**

All accessory swimming pools shall meet the following requirements:

1. All swimming pools shall be placed a minimum of ten (10) feet from the side and rear property lines.
2. All swimming pools shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. When placing the accessory structure in the side yard, the minimum side yard setback as identified within Article 3 of the Zoning District Standard must be met. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
3. All accessory swimming pools shall meet the requirements of the adopted Building Code for the State of Georgia.

AS-05: Recreational Vehicle Standards:

This Recreational Vehicle Standards section applies to all zoning districts.

One recreational vehicle owned by the residents may be stored on their individual lot within the confines of the rear yard and shall further follow the requirements of this Article applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where the rear yard is not accessible by means of a driveway, alley or has insufficient side yard clearance for the passage of a recreational vehicle, the recreational vehicle may be parked in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall the recreational vehicle be parked closer than ten (10) feet to the front property line.

AS-06: Trash Refuse Standards:

This Trash Refuse Standards section applies to all districts.

All trash refuse areas and dumpsters located in Clayton County shall be consistent with the following minimum standards and requirements:

1. Permanent trash refuse areas and dumpsters shall be located on a cement pad.
2. Permanent trash refuse areas and dumpster shall be located within the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure or out of visible sight from any roadway.
3. Permanent trash refuse areas and dumpsters shall be one hundred (100) percent opaquely screened on three (3) sides with building materials similar to those located upon the exterior wall elevations.
4. Permanent trash refuse areas and dumpsters shall not be located within any required

landscape areas, required buffers, required parking areas, or required loading areas.

PART II

(a) It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

PART III.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

PART IV.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SO ORDAINED this 13th day of November 2012.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


WOLF RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK